

DOCKET NO.: ISIS-4502
Application No.: 08/078,768
Office Action Dated: October 23, 2006

PATENT


REMARKS

Claims 64-76 and 78-83 are pending in the application. Claim 71 is rejected for alleged obviousness-type double patenting over claim 1 of U.S. Patent No. 5,023,243. Claims 64-68, 70, 72-76, and 78-83 are rejected for alleged obviousness-type double patenting over claims 1-4, 8, 10, 11, and 14 of U.S. Patent No. 5,023,243. Claim 69 is rejected for alleged obviousness-type double patenting over claim 8 of U.S. Patent No. 5,023,243 in view of Summerton, *J. Theor. Biol.*, 78:77 (1979). U.S. Patent No. 5,023,243 is a co-owned parent of the present application. Without conceding the propriety of the rejections, Applicant submits herewith a terminal disclaimer in accordance with 37 C.F.R. § 1.321(c). Applicant submits the Terminal Disclaimer to obviate any possible contention that the pending claims would have been obvious in view of a claim of the disclaimed patents. The submission of the Terminal Disclaimer is not, nor should it be construed as, an admission that Applicant considers any claim of the instant application to be patentably indistinct over any claim in the disclaimed patent.

No further issues have been raised in the Office Action dated October 23, 2006.

Respectfully submitted,

Date: February 2, 2007



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